

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/040,030	03/27/98	JOHNSON	B 540113

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PM51/0324

EXAMINER
COMER, V

ART UNIT	PAPER NUMBER
3641	9

DATE MAILED: 03/24/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	09/048,838	Applicant(s)	Brian D. Johnson
Examiner	VAGNOLA K. COMER	Group Art Unit	3641

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- Responsive to communication(s) filed on _____.
- This action is **FINAL**.
- Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- Claim(s) 1 - 17 is/are pending in the application.
- Of the above claim(s) 11 and 12 is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 1 - 10 and 13 - 17 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on 03/27/98 is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - All Some* None of the CERTIFIED copies of the priority documents have been received.
 - received in Application No. (Series Code/Serial Number) _____.
 - received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892
- Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Other _____

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DETAILED ACTION

Election/Restriction

1. Applicant's election of invention in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 34¹, 34², 34³, 34⁴, and 34⁵.

Correction is required.

3. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

4. The disclosure is objected to because of the following informalities:

Page 7, lines 28-29 refer to Figures 1-3 and reference numeral 10, 12, and 14, however, they are not shown in Figures 2 and 3;

Page 8, line 1 "aileron actuator jack 16", line 4 "actuator 16", and line 5 "actuator jack" are inconsistent;

page 8, line 23 "figures 4" should be --figure 4--;

page 8, line 23-24 "flexible seal 26" and page 9, line 1 "flexible seal member 26" and line 14 "seal arrangement 26" are inconsistent;

page 9, lines 1-8 need to reference a figure or figures as applicable;

page 9, line 21 "central piece 38" and page 10, line 8 "component 38" are inconsistent;

page 9 and 10, in referring to figures 6 and 8, the use of superscripts is necessary to be consistent with figures and abstract.

Appropriate correction is required.

5. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a

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dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-10 and 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al.

Williams et al discloses an externally mounted aircraft fairing arrangement for mounting on an aircraft wing that has a hingedly displaceable control surface comprising of a first and second fairing portion bridged over by an intermediate flexible seal arrangement comprising of a plurality of slidably overlapping layers. It is well known in the art to utilize flexible material such as rubber or rubber-like material having buckle-reductive and low friction characteristics comprising of a plurality of plies placed in locations to achieve maximum tensile strength to prolong the life of the flexible seal arrangement in order to withstand the movement and displacement of the control surface

8. Claims 11 and 12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected invention. Election was made **without** traverse in Paper No. 8.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rudolph discloses a hinge fairing design for control surfaces by staggering two curved hinge fairings making it possible to keep the control surface faired and sealed over its entire span. Roesler et al discloses a hinge arrangement for control surfaces comprising a plurality of sections mounted by one coupling restraining hinge pin device. Friberg discloses a fixed seal plate for aircraft control surfaces to seal the gap between a moveable flight control surface and its associated airfoil. Westerman et al discloses a bolted repair for curved surfaces of an aircraft structure includes a plurality of relatively thin, flexible plates bent to conform to the surface.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vagnola K. Comer at (703) 603-1220. The examiner can normally be reached on Monday to Friday from 0730 to 1700.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan, can be reached on (703) 306-4159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

Charles T. Jordan
Charles T. Jordan
Supervisory Patent Examiner
Group 3600

vkc
19 March 1999